

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

**CHRISTINE M. BAILEY,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

**No. C11-0005**

**ORDER ON MOTION FOR  
ATTORNEY FEES**

This matter comes before the Court on the Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (docket number 21) filed by the Plaintiff on July 31, 2012; and the Response (docket number 22) filed by the Defendant on August 14, 2012. Plaintiff's counsel asks that they be awarded attorney fees in the amount of \$13,495, pursuant to 42 U.S.C. section 406(b). Plaintiff's counsel acknowledges that if he is awarded section 406(b) fees, then he is required to refund the fees previously ordered under the Equal Access to Justice Act. In his response, the Defendant states that he "does not object to the fee sought by plaintiff's attorney as unreasonable." *See* Defendant's Response (docket number 22) at 1. Accordingly, the Court finds the request should be granted.

***ORDER***

IT IS THEREFORE ORDERED that the Motion for Attorney Fees (docket number 21) filed by the Plaintiff on July 31, 2012 is hereby **GRANTED**. Attorney Thomas A. Krause shall be paid attorney fees in the amount of Thirteen Thousand Four Hundred Ninety-Five Dollars (\$13,495) pursuant to 42 U.S.C. section 406(b). Furthermore, Mr. Krause shall refund to the Plaintiff the sum of Four Thousand Four Hundred Seventy-

Six Dollars thirty-one cents (\$4,476.31), previously paid under the Equal Access to Justice Act.

DATED this 15th day of August, 2012.



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JON STUART SCOLES  
CHIEF MAGISTRATE JUDGE  
NORTHERN DISTRICT OF IOWA